

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

Chapter 9

City of Detroit, Michigan,

Case No. 13-53846

Debtor.

Hon. Steven W. Rhodes

Notice of *Proposed* Motion Procedure

At the status conference in this case on August 2, 2013, the Court will solicit the comments of the parties on the following *proposed* motion procedure:

1. **Procedure.** Except as provided herein or otherwise ordered by the Court, parties shall comply with LBR 9014-1. The Court has determined not to apply LBR 9013-4. Counsel are reminded of the requirement and importance of (a) affidavits in support of any facts alleged in a motion or response, and (b) substantive briefs.
2. **Hearing Dates for Motions.**
 - a. The Court will determine all hearing dates.
 - b. The Court will serve notices of all hearings.
 - c. The Court will file and publish on its website a list of motions to be heard at least 2 days in advance of each Omnibus Hearing date.
 - d. In a motion or a response, a party may request a hearing date that is on the published schedule of Omnibus Hearing dates.
 - e. Generally the Court will attempt to schedule a hearing on a motion on the date requested by the parties in their papers.
 - f. In the absence of a requested hearing date, the Court generally expects that it will set a motion for hearing on the next scheduled Omnibus Hearing date that is more than 7 days after the response is filed.
 - g. All requests for an expedited hearing must be made by separate motion establishing cause.
3. **Adjournments.** All requests for hearing adjournment must be stated on the record with cause. LBR 5071-1(a) relating to adjournments by stipulation or motion is suspended.

4. Conduct of Hearing.

- a. The Court will not conduct an evidentiary hearing on a motion unless the order or notice setting the hearing states otherwise.
- b. If the Court determines that there are genuine issues of fact that must be resolved, the Court will set an evidentiary hearing, and if necessary, a discovery schedule.
- c. If the Court determines that there are no genuine issues of material fact and the matter turns on a legal question, the Court will conduct oral argument on the motions. The Court may then give a bench decision on the motion at the Omnibus Hearing or may take the matter under advisement.

Signed: July 30, 2013

/s/ Steven W. Rhodes
U.S. Bankruptcy Judge